

MC-96-28

From Glenn James Baker

561-60-3861

QA-21348

Docket clerk  
# MC-96-28 FHA  
B.O.T. Rm. 4232  
400 7th St. S.W. Washington  
D.C. 20590

Wyoming CAL # 105642-65  
all endorsements  
812 Cherry Str.  
Rawlins, Wyoming 82301  
MessagePhone, 888-324-6090  
324-6090

96 DEC 7 AIO: 34

REGS. DIV.

F4WA-97-2350-9

I am responding to the enclosed article which is not written to the level of a Reader's Digest reading ability - (8th grade)

The solution for the concern of safety is - change the standards to the level the state of California has -

with an outside door post area mounted clock - odometer -

which shows Engine operation time running at more than 1200 RPMs in the last 48 hrs.

The driver has to watch his log book to the recorder.

California allows 16 hours on duty - every day - maximum of 12 hours driving with safety breaks or rest for food etc.

The recorder can be made for automatic reading and data transfer as a truck rolls through a scale-check station.

This method will also simplify record-keeping as well as show actual hours the truck is running - regardless of how many miles it runs or speed it runs.

I've been licensed to operate Class 8 Vehicle - equipped etc since 1977. My driving started with California Division of Forestry for Fire Fighting class vehicle - etc -

DOCKET MC-96-28-15  
JF 1  
Glenn James Baker

# Hours-Of-Service Begins Transition

By John Bendel, Contributing Editor

Hours-of-service regulations, in place since March 1, 1939, may finally be on their way into history.

The long-awaited regulatory process began with an Advanced Notice of Proposed Rulemaking published in the *Federal Register* on Nov. 5 — the same day as national elections. The 15-page notice asking for comments marks the start of a regulatory effort expected to last at least until 1999, according to the notice posted by the Federal Highway Administration.

Wording of the notice appears to severely limit comments that will be considered. One part of the notice reads, "The purpose of this ANPRM (Advanced Notice of Proposed Rulemaking) is to conduct one last comprehensive worldwide search for any relevant research and information before making specific proposals." Other statements stress that rule makers are only looking for responses supported by "scientific data."

Among the questions posed in the notice are these:

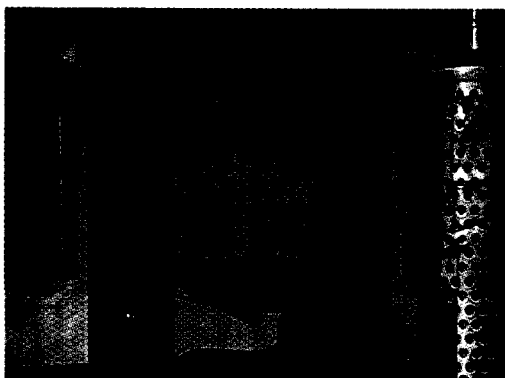
- "What should be the maximum allowable continuous driving time to enhance safety based on scientific data?"
- "Should the FHWA provide a maximum continuous on-duty time period (driving time and on-duty time) for safety purposes based on scientific data?"
- "Should non-driving time be counted differently from driving time based on scientific data?"
- "Should the FHWA require mandatory rest breaks (suggested number and duration) during a long driving period?"
- "Should new HOS regulations depend on how a driver is paid? How should such pay issues (e.g., mileage, hourly, load or some other measure) be addressed?"
- "Has hour(s) scientific knowledge and data progressed to the point where performance-based regulations are technically feasible and operationally practical?"

Lana Batts, president of the Interstate Truckload Carriers Conference, welcomed the rulemaking notice with reservations. "I was pleased they talked about performance-based hours of service — disappointed that it was tied to technology," she said.

The ITCC advocates performance-based standards which would ease the regulatory burden on carriers with above-average safety records. The rulemaking notice referred to standards that recognized "the use of technology to record and track a driver's level of alertness at intervals each day."

"I think certainly they've asked the right questions," said Batts. "I'm concerned that they say we want scientific evidence to back all this up — as if the current rules have any scientific evidence to back them up."

Batts said the process should involve drivers. "If the drivers perceive any of the changes... as a way to make them work more hours, we'll lose," she said.



Batts was also concerned that the rulemaking process would last until 1999 even as the FHWA presses its unprecedented enforcement drive on current regulations. "Clearly, it's illogical to enforce with the degree of zeal that they are... when this rulemaking is an admission on their part that there is something fundamentally wrong with the hours of service," she said.

As a result, said Batts, the ITCC would continue its effort to change hours-of-service rules by law in the next ISTEA authorization bill. Enforcement was also on the mind of Todd Spencer, executive vice president of the Owner Operator Independent Driver Assn. "We are very quickly going to be in a position where the hours-of-service regulations that we have are going to be almost totally enforced and adhered to," he said. "So whatever we tell Federal Highway we want [had] better be something we can live with."

Spencer said OOIDA's primary concern was flexibility for drivers in any new regs.

Russ Swift of Parents Against Tired Truckers called the rulemaking notice a "step in the right direction, something we've been waiting for that should have been started a long time ago."

Swift expressed frustration with a wait of up to four years for new regulations, and he agreed with Lana Batts that drivers should be involved in the process. "It is an excellent opportunity for them to get out there and tell Federal Highway exactly what it feels like to be one of the statistics, one of the scientific facts that just can't drive 12.15 hours a day — day in, day out — and not get tired or fatigued," he said.

In a prepared statement for *Truckers News*, George Reagle, associate administrator for motor carriers with the FHWA, tried to put the process in perspective.

"Making the necessary changes — in the interest of both safety and industry productivity — will be one of the major milestones we will make to move into the next century," read Reagle's statement. "We know fatigue is a complex issue and we'll get mountains of comments and suggestions. We need to move as quickly as possible on this, but we're going to take the time necessary to get it right — the first time."

SEND COMMENTS

Docket Clerk, Attention FHWA Docket # MC-96-28, Federal Highway Administration, Department of Transportation, Room 4232, 400 7th St. SW, Washington, DC 20590.

Deadline is March 31, 1997.

For confirmation that your comments reached the Docket Clerk, enclose a self-addressed, stamped postcard.

## REG LOGBOOK

### CLEAN SAFETY RECORD

#### MAY WIN YOU REGULATION RELIEF

The Federal Highway Administration is proposing a pilot program under which operating vehicles between 10,000 and 15,000 pounds may qualify for exemptions of the Federal Motor Carrier Safety Regulations if they have "exemplary" safety records as a "reinventing government" initiative program was mandated by Congress in the National Highway System Act.

Further information: Robert F. Schmitt, Director of Motor Carrier Research and Statistics, (202) 366-4009, or Grace Reidy, Office of Counsel (202) 366-0834.

### ONE-STOP, ON-LINE REGISTRATION

FHWA has issued an Advance Notice of Rulemaking (ANPRM) to replace the motor carrier registration programs of the Department of Transportation and former Interstate Commerce Commission with a new on-line system. Also replaced would be the system for demonstrating minimum insurance and the Single State Registration.

The new system, expected to be in place by 1998, is to serve as "a clearinghouse of information on, and identification of, foreign and domestic motor carriers, freight forwarders and others required to register with the Department of Transportation."

The action was mandated by Section 101 of the Interstate Commerce Commission Reform Act of 1995.

Further information: Dixie E. Hooton, Director of Motor Carrier Planning and Customer Service, (202) 366-4340, or Grace Reidy, Chief Counsel (202) 366-0761.

### IRS: NO WRITEOFFS FOR

#### STATE OPERATING AUTHORITIES

An Internal Revenue Service (IRS) ruling states that motor carriers should not be able to claim tax writeoffs for loss of value from state operating authorities resulting from the 1996 tax law. The interpretation came in a draft issue paper, and does not yet represent final IRS policy.

### CONGRESS BUDGETS \$1 BILLION

#### MORE FOR TRANSPORTATION

Congress has passed the fiscal year 1997 transportation appropriations bill. The measure provides \$38 billion in federal funding for transportation programs, an increase of over 10% over FY '96.

### TURNING HIGHWAY FUNDING

#### BACK TO STATES

Senator Connie Mack (R-FL) and Senator Frank Lautenberg (R-NJ) have introduced legislation (H.R. 3940) to turn the lion's share of highway transportation responsibility back to the states.

All but 2¢ of the current federal fuels tax would be returned to the states. The remaining 2¢ would